समक्ष माननीय छत्तीसगढ़ उच्च न्यायालय, बिलासपुर

रिट याचिका क्रमांक 1564 /2003

प्रार्थी / याची : रामसिंह आत्मज भुकलू, उम्र 52 वर्ष
निवासी ग्राम करही धपई
पो. पण्डरभट्टा, तहसील मुंगेली
जिला बिलासपुर (छ.ग.)

बनाम

उत्तरवादी :

1. छत्तीसगढ़ शासन
द्वारा : सचिव, लोक निर्माण विभाग
छत्तीसगढ़ शासन, सचिवालय,
रायपुर (छ.ग.)

2. अनुविभागीय अधिकारी
लोक निर्माण बिभाग,
मुंगेली अनुविभाग, मुंगेली,
जिला बिलासपुर (छ.ग.)

P. R. No. 132203
Presented by Shri A.K. Vaishnav
dated 06.05.03

भारतीय संविधान के अनुच्छेद 226 / 227 के अंतर्गत याचिका

(105)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1564 of 2003

Petitioner — Ram Singh

Versus

Respondents — State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Samer Sahu, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. By this petition, the petitioner, who has worked for more than 15 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as gangman in the year 1965 and he was retired from service w.e.f. 30.4.2003 on attaining the 30 years service. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

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3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur